

Presentment Date: September 5, 2023 at 10:00 a.m. (Prevailing Eastern Time)
Objection Deadline: September 1, 2023 at 12:00 p.m. (Prevailing Eastern Time)

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**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

Genesis Global Holdco, LLC, *et al.*,¹

Debtors.

Chapter 11

Case No.: 23-10063 (SHL)

Jointly Administered

**NOTICE OF PRESENTMENT OF THIRD STIPULATION AND AGREED ORDER
FURTHER EXTENDING TIME TO TAKE ACTION, TO THE EXTENT NECESSARY,
TO DETERMINE THE NONDISCHARGEABILITY OF A DEBT OWING TO A
GOVERNMENTAL UNIT PURSUANT TO 11 U.S.C. §1141(d)(6)**

PLEASE TAKE NOTICE that, on January 19, 2023 (the “Petition Date”), Genesis Global Holdco, LLC (“Holdco”) and its debtor affiliates, as debtors and debtors-in-possession in the above-captioned chapter 11 cases (collectively, the “Debtors”), each filed a voluntary petition for relief under chapter 11 of title 11 of the United States Code, 11 U.S.C. §§ 101 *et seq.* (the “Bankruptcy Code”) with the United States Bankruptcy Court for the Southern District of New York (the “Bankruptcy Court”).

PLEASE TAKE FURTHER NOTICE that, the Debtors shall present the *Third Stipulation and Agreed Order Further Extending Time to Take Action, to the Extent Necessary, to Determine the Nondischargeability of a Debt Owing to a Governmental Unit Pursuant to 11 U.S.C.*

¹ The Debtors in these Chapter 11 Cases, along with the last four digits of each Debtor’s tax identification number (as applicable), are: Genesis Global Holdco, LLC (8219); Genesis Global Capital, LLC (8564); Genesis Asia Pacific Pte. Ltd. (2164R). For the purpose of these Chapter 11 Cases, the service address for the Debtors is 250 Park Avenue South, 5th Floor, New York, NY 10003.

§1141(d)(6) attached hereto as **Exhibit 1** (the “Stipulation and Order”) to the Honorable Sean H. Lane, United States Bankruptcy Judge, for signature on **September 5, 2023 at 10:00 a.m. (prevailing Eastern Time)**.

PLEASE TAKE FURTHER NOTICE that any responses or objections (each an “Objection”) to the Stipulation and Order must be made in writing and received in the chambers of the Honorable Sean H. Lane and by the undersigned not later than **September 1, 2023 at 12:00 p.m.** (the “Objection Deadline”).

PLEASE TAKE FURTHER NOTICE that in the event any Objections to the proposed Order are timely filed and served on or before the Objection Deadline as set forth herein, a hearing to consider the Stipulation and Order and such Objection(s) shall be scheduled by the Bankruptcy Court.

Dated: August 29, 2023
New York, New York

/s/ Sean A. O’Neal
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Exhibit 1

Stipulation and Order

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

| | | |
|---|---|-------------------------|
| |) | Case No. 23-10063 (SHL) |
| <i>In re:</i> |) | |
| |) | Chapter 11 |
| Genesis Global Holdco, LLC, <i>et al.</i> , |) | |
| |) | |
| |) | (Jointly Administered) |
| Debtors. ¹ |) | |
| |) | |

**THIRD STIPULATION AND AGREED ORDER FURTHER EXTENDING TIME TO
TAKE ACTION, TO THE EXTENT NECESSARY, TO DETERMINE THE
NONDISCHARGEABILITY OF A DEBT OWING TO A GOVERNMENTAL UNIT
PURSUANT TO 11 U.S.C. §1141(d)(6)**

WHEREAS, the Parties² entered into that certain *Stipulation and Agreed Order Extending Time to Take Action, to the Extent Necessary, to Determine the Nondischargeability of a Debt Owed to a Governmental Unit Pursuant to 11 U.S.C. §1141(d)(6)* [ECF No. 415] dated June 11, 2023 (the “First Stipulation”), extending the date by which the NYAG must file its complaint or take action that may be required, if any, in these Chapter 11 Cases to determine the nondischargeability of a debt, pursuant to Section 1141(d)(6) or Section 523 of the Bankruptcy Code to July 31, 2023 (“Nondischargeability Deadline”), which was approved by the Court on July 12, 2023 [ECF No. 495];

¹ The Debtors in these Chapter 11 cases and the last four digits of each Debtor's taxpayer identification number are as follows: Genesis Global Holdco, LLC (8219); Genesis Global Capital, LLC (8564); and Genesis Asia Pacific Pte. Ltd. (2164R). For the purpose of these Chapter 11 cases, the service address for the Debtors is 250 Park Avenue South, 5th Floor, New York, NY 10003.

² Capitalized terms used but not defined herein shall have the meaning ascribed to them in the First Stipulation.

WHEREAS, on July 25, 2023, the Parties stipulated to further extend the Nondischargeability Deadline to August 31, 2023 [ECF No. 539], which was approved by the Court on August 3, 2023 [ECF No. 576] (the “Second Stipulation”).

WHEREAS, the NYAG now seeks a further extension of the Nondischargeability Deadline, and without binding precedent in this jurisdiction on this issue, and in order to avoid unnecessary litigation, the undersigned parties nonetheless jointly seek a further extension of the Section 523(c)/Rule 4007(c) deadline out of an abundance of caution, without prejudice to the NYAG’s right to seek further extensions (this “Third Stipulation”);

Based on the foregoing stipulation of the parties, it is ORDERED that:

1. To the extent Section 523(c) or Rule 4007(c) applies, the date by which the NYAG must file its complaint or take other action that may be required, if any, in these Chapter 11 cases to determine the nondischargeability of a debt, pursuant to Section 1141(d)(6) of the Bankruptcy Code, shall be September 29, 2023, or such later date as may be ordered by the Court, without prejudice to the NYAG’s right to seek further extensions of the date.

2. This Third Stipulation represents the entire agreement by and between the Parties with respect to the subject matter hereof, and all prior understandings or agreements, if any, are merged into this Third Stipulation.

3. Other than as set forth in paragraphs 1 and 2 hereof, nothing in this Third Stipulation shall, or intended to, modify any terms, conditions or provisions of the First Stipulation or the Second Stipulation and all such terms, conditions and provisions of the First Stipulation and Second Stipulation shall continue to apply to this Third Stipulation.

IT IS SO ORDERED.

Dated: _____
White Plains, New York

THE HONORABLE SEAN H. LANE
UNITED STATES BANKRUPTCY JUDGE

IN WITNESS WHEREOF, the Parties, by their respective authorized counsel, have executed this Third Stipulation as of the date written below:

Dated: August 29, 2023
New York, New York

By: /s/ Sean A. O'Neal
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Luke A. Barefoot
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